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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF APRIL 1998

BEFORE:

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

H.R.R.P. NUMBER 453/1998

Between:

B.T. Shivaram, Major,
s/o Babu Rao,
Shop No.4 in premises
No.618, 50th Cross,
III block, Raja jinagar,
Bangalore-560 010.

... Petitioner

(By Sri T.Keshava Murthy)

And:

P.C.Kariappa, aged 73
years, s/o Changappa,
No.618, 50th Cross,
III block, Raja jinagar,
Bangalore-560 010.

... Respondent

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This H.R.R.P. filed u/s 50(1) of the KRC Act, against the order dated 16.1.98 passed in HRC No.653/96 on the file of the XI Addl. Judge, court of Small Causes, Bangalore.

This H.R.R.P. coming on for admission this day, the Court made the following:

ORDER....

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ORDER

This is a tenants petition under Sec.50 of the Karnataka Rent Control Act. Respondents herein had filed an eviction petition on the ground that the premises is required for his own use and occupation and that the tenant has not paid the arrears of rent inspite of notice of demand and that the tenant has acquired suitable alternative premises, therefore he is liable to be evicted under Sec.21(1)(a),(h) & p of the Karnataka Rent Control Act.

2. This petition was resisted and the parties went to trial and led evidence. The learned Judge of the Small Causes based on the evidence has held that the tenant has constructed a multistoreyed building at Basaveshwarnagar and his evidence discloses that he has been spending money for further construction. Learned Judge has disbelieved the contention of the tenant that the said house is acquired by his wife by her own resources on the ground that the tenant has failed to substantiate the same.

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3. I agree with the findings of the learned Judge.

4. There is no merit in the petition. Petition is rejected.

5. At this stage, learned counsel appearing for the tenant submitted that his client may be granted 3 years time to vacate the premises.

6. Landlord has entered caveat and is represented by a counsel who opposed for grant of any time beyond 6 months.

7. Having regard to the facts and circumstances of the case and in the interest of justice, I deem it fit to grant 2 years time to the tenant to quit and deliver vacant possession to the landlord subject to the following conditions:

(a) That the tenant shall file an affidavit undertaking to voluntarily vacate the premises. The said affidavit shall be filed within 4 weeks from today after having served a copy thereof on the landlord's counsel.

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(b) That the tenant shall pay the monthly as and when it falls due without any default. However if the landlord refuses to accept the rents, tenant is at liberty to deposit the same in the Court.

(c) That the tenant shall not sublet or sublease the premises.

Petition rejected.

Sd/-
JUDGE

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